



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 551	Assembly Amendment 1 and Senate Amendment 1
<i>Memo published: March 10, 2004</i>	<i>Contact: Rachel Letzing, Staff Attorney (266-3370)</i>

Under **current law**, a county zoning agency may direct the preparation of a county development plan, or parts of the plan, for the physical development of the towns within the county. Current law provides that a county development plan, or an amendment to the plan, must be adopted by the county board before it takes effect. Upon adoption, the county development plan applies to towns within the county.

Assembly Bill 551 provides that a county development plan, part of a county development plan, or an amendment to a county development plan that is adopted by a county board is not applicable in a town unless it is approved by the town board. The initial applicability provision in the bill states that the new authority granted to the town board by the bill applies to a county development plan, part of a county development plan, or amendment to a county development plan that is adopted by a county board on or after the effective date of the legislation.

Assembly Amendment 1 provides that a town board must vote to approve or disapprove the county board's action (i.e., a county development plan, part of a county development plan, or an amendment to a county development plan) no later than 90 days after the clerk sends out the duplicate copy of the county board's action. The amendment further provides that if a town board does not approve or disapprove of the county board's action within 90 days after the clerk sends out the duplicate copy of the county board's action, the county board's action takes effect in that town.

Senate Amendment 1 specifies that a town board has no authority to approve or disapprove the applicability of a county shoreland, wetland in shoreland, or floodplain zoning ordinance within a town. These programs are mandated by statute, and counties are required to maintain these programs.

LEGISLATIVE HISTORY

Assembly Amendment 1 was offered by Representative Friske on January 28, 2004. The Assembly adopted Assembly Amendment 1 on a voice vote on February 3, 2004. On that date, the Assembly also passed the bill, as amended, on a vote of Ayes, 78; Noes, 21.

Senate Amendment 1 was offered by Senator Brown on March 9, 2004. On the same date, the Senate adopted Senate Amendment 1 on a voice vote. The Senate then concurred in the bill, as amended, by a vote of Ayes, 20; Noes, 13.

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